



CASE G-33422P1/GPI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

NANDI ET AL.

Examiner: Azpuru, Carlos A.

APPLICATION NO: 10/688,551

FILED: OCTOBER 17, 2003

FOR: TASTE MASKING ANTIBIOTIC COMPOSITION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Sandoz AG (formerly Geneva Pharmaceutical, Inc.), a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is recorded in the United States Patent and Trademark Office Reel/Frame #: 019648/0398 concurrently herewith. A copy is attached hereto.

Sandoz AG (formerly Geneva Pharmaceutical, Inc.) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 10/768,562** filed January 1, 2004. Said Application No. 10/768,562 is also assigned to Sandoz AG (formerly Geneva Pharmaceutical, Inc.) by virtue of an assignment which an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Sandoz AG (formerly Geneva Pharmaceutical, Inc.) hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 10/768,562 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

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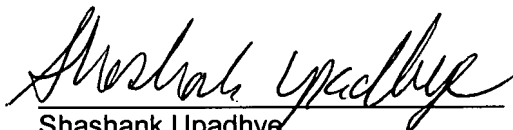
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In making the above disclaimer, Sandoz AG (formerly Geneva Pharmaceutical, Inc.) does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application No. 10/768,562, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 09 day of August, 2007 by the undersigned attorney of record.

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